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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,978	07/11/2003	George S. Panton JR.	PAN-010	2870
23353	7590	04/21/2004	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			CONLEY, FRÉDRICK C	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/616,978	PANTON, GEORGE S.	<i>[Signature]</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 16-20 is/are allowed.
 6) Claim(s) 1-14 is/are rejected.
 7) Claim(s) 15 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/11/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 10, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,715,170 to Richmond.

Claim 1, Richmond discloses a spine board comprising:

a sealed unitary board structure 10 defining a board structurally adapted to transport a patient and having at least two pairs of hand holds 42, said unitary board structure being hollow;

foam 90 contained within the entire of said hollow of said unitary board structure, whereby said foam is separated from said the exterior of said unitary board structure.

Claim 3, wherein said spine board includes a plurality of hand holds 42 for lifting said patient by emergency personnel.

Claim 4, further including a plurality of ports 50 through said board that are capable of assisting submerging the board.

Claim 5, wherein said pair of hand holds is head end hand holds positioned transverse to a longitudinal axis of said board (fig. 1).

Claim 6, further including means (43,44) adapted for receiving at least one kind of head immobilization device.

Claim 10, further including a plurality of side hand holds respectively located longitudinally along the respective sides of said board (fig. 1).

Claim 12, wherein said board is characterized as free from metallic parts and constructed from a material, such as Kevlar, fiberglass, or polyethylene, so that the board is X-ray translucent and/or radio translucent.

Claim 13, wherein said board is made from a thermoplastic material (col. 3 lines 54-56).

Claim 14, wherein an upper surface of said board has a cradle configuration to assist in locating said patient relative to the center of said board (fig. 2).

Claims 1-3, 5-7, and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,765,243 to Duncan et al.

Claim 1, Duncan discloses a spine board comprising:

a sealed unitary board structure defining a board structurally adapted to transport a patient and having at least two pairs of hand holds 22, said unitary board structure being hollow;

foam 16 (col. 4 lines 32-36) contained within the entire of said hollow of said unitary board structure, whereby said foam is separated from said the exterior of said unitary board structure.

Claim 2, wherein said unitary board structure comprises a first molded portion 10 and a second molded portion 12 secured to said first molded portion to define said board.

Claim 3, wherein said spine board includes a plurality of hand holds 22 for lifting said patient by emergency personnel.

Claim 5, wherein said pair of hand holds is head end hand holds positioned transverse to a longitudinal axis of said board (fig. 1).

Claim 6, further including means adapted for receiving at least one kind of head immobilization device (col. 3 lines 29-31).

Claim 7, wherein a tail end 25 of said board is tapered downwardly 28 (fig. 4)(col. 5 lines 45-48).

Claim 11, wherein each of at least a pair of oppositely located side hand holds includes a clip-receiving pin located between opposed surfaces of said side hand holds, said pin being made of the same material as said spine board and molded integrally as to be part of the board itself (col. 3 lines 29-31).

Claim 10, further including a plurality of side hand holds respectively located longitudinally along the respective sides of said board (fig. 1).

Claim 12, wherein said board is characterized as free from metallic parts so that the board is X-ray translucent and/or radio translucent (col. 3 lines 8-10).

Claim 13, wherein said board is made from a thermoplastic material (col. 3 lines 8-10).

Claim 14, wherein an upper surface of said board has a cradle configuration to assist in locating said patient relative to the center of said board (fig. 5-6).

Claims 1, 3, 5-6, 8-10, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 5,950,627 to Bologovsky et al.

Claim 1, Bologovsky discloses a spine board comprising:

a sealed unitary board structure 12 defining a board structurally adapted to transport a patient and having at least two pairs of hand holds (22 A-F), said unitary board structure being hollow;

foam contained within the entire of said hollow of said unitary board structure, whereby said foam is separated from said the exterior of said unitary board structure (col. 7 lines 49-52).

Claim 3, wherein said spine board includes a plurality of hand holds (22 A-F) for lifting said patient by emergency personnel.

Claim 5, wherein said pair of hand holds is head end hand holds (22A) positioned transverse to a longitudinal axis of said board (fig. 1).

Claim 6, further including means adapted for receiving at least one kind of head immobilization device (col. 4-5 lines 64-68 & 1-17).

Claim 8, wherein a body of said board defines at least a rib 20 on the lower surface of the board and extending downwardly there from, to act as a rest for the board when the board is placed on a surface.

Claim 9, wherein said rib extends downwardly a distance greater than the distance that the distal end is remotely vertically located from said bottom surface .

Claim 10, further including a plurality of side hand holds (22B-C) respectively located longitudinally along the respective sides of said board (fig. 1).

Claim 12, wherein said board is characterized as free from metallic parts so that the board is X-ray translucent and/or radio translucent (col. 3 lines 8-10).

Claim 14, wherein an upper surface of said board has a cradle configuration to assist in locating said patient relative to the center of said board (fig. 5-6).

Allowable Subject Matter

Claims 16-20 are allowed.

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC




**TERI PHAM LUU
PRIMARY EXAMINER**